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September 2, 2004

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AND AGENCIES

Commissioner of Patents
U.S. Patent and Trademark Office
220 20th Street South
Customer Window, MS Reissue
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: Communication Regarding Receipt of Protest
Appl. No.: 10/811,793
Filed: March 29, 2004
Title: **Treatment of Migraine Headache**
Inventor(s): Plachetka, *et al.*
Atty. Dkt.: 7569/80993

Dear Sir:

The following documents are being forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Communication Regarding Receipt of Protest; and
2. Return postcard.

Applicants do not believe that any fee is due for the filing of this document. However, the Director is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment, to our Deposit Account No. 06-1135 under Order No. 7569/80993.

Commissioner for Patents
September 2, 2004
Page 2

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive style with a large, sweeping "M" and a long, trailing "z" at the end.

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

MAS:ct
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue patent application of:

Plachetka, *et al.*

Appl. No.: 10/811,793
(For reissue of Patent No.: 6,479,551)

Filed: March 29, 2004

For: **Treatment of Migraine Headache**

Art Unit: 1616

Examiner: To be assigned
(Formerly F. Choi)

Atty. Dkt.: 7569/80993

Communication Regarding Receipt of Protest

Commissioner of Patents
U.S. Patent and Trademark Office
220 20th Street South
Customer Window, **MS Reissue**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

On August 23, 2004, Applicants received a Protest Under 37 C.F.R. § 1.291(a) for the above-noted reissue application. After careful review, Applicants do not believe that the arguments made in the Protest or the art cited should affect the patentability of the pending claims. Nevertheless, to the extent that the Examiner believes that it may be helpful, Applicants would welcome the opportunity to respond to the comments made in the Protest and respectfully request that they be given an opportunity to do so. Applicants also request that they be granted an interview prior to the first Office Action to discuss any issues that may exist regarding patentability.

The Protest is directed to the attention of Bruce Kisliuk. Applicants are not aware that Mr. Kisliuk is involved in the handling of this case. However, if the Examiner thinks that it may be useful, Applicants request an opportunity to discuss any issues with Mr. Kisliuk as well.

If, in the opinion of the Examiner, a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

By: 

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

Date: September 1, 2004
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Washington, DC 20006
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